

To the Members of the California Assembly

I am returning Assembly Bill 755 (De La Torre) without my signature.

AB 755 is similar to SB 1538, which I vetoed last year. This measure, like last year's, is an attempt to ensure that piece-rate workers in the garment and agricultural industries take advantage of their rest periods by mandating that employers pay workers a specific wage for rest periods. Piece-rate calculations already compensate workers for all time worked and rest periods are already considered time worked. The provisions of AB 755 essentially require employers to compensate piece-rate workers twice for their rest periods. This is unreasonable and overly burdensome to employers and does nothing to ensure workers actually take the rest periods they are authorized to take.

Consistent with my veto message of last year, the Labor and Workforce Development Agency has been working to ensure all workers, including those earning a piece-rate, understand their rights to rest periods and the importance of taking them. The Agency has conducted workshops for low-wage workers throughout the state to educate them on their rights. Recently, the Labor Commissioner has taken the steps to create an advisory committee for interested parties in the garment industry to meet and discuss additional ways to ensure workers understand and take advantage of their rights. Finally, my Administration recently enacted emergency heat stress regulations that ensure workers subjected to possible heat stress and heat illness have access to shade and additional recovery periods when needed.

This bill would impose burdensome accounting requirement and increase frivolous litigation with no discernable benefit to workers. The real efforts my Administration has undertaken will go much further in assisting workers.

Sincerely,

Arnold Schwarzenegger